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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE : CHRYSLER-DODGE-JEEP
ECODIESEL MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

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Marchionne, VM Motori S.p.A., and
VM North America, Inc.*

Case No. 3:17-md-02777-EMC

AGREED STIPULATION AND
[PROPOSED] ORDER CONCERNING
PIRNIK PLAINTIFFS

The Honorable Edward M. Chen

AGREED STIPULATION AND [PROPOSED]
ORDER CONCERNING PIRNIK PLAINTIFFS
CASE NO. 3:17-MD-02777-EMC

1 WHEREAS, in an attempt to facilitate the reasonable coordination of depositions
2 with the plaintiffs in *Pirnik et al. v. Fiat Chrysler Automobiles, N.V. et al.*, No. 15 Civ. 7199
3 (S.D.N.Y.) (Furman, J.) (see Order at *Pirnik* ECF No. 200), who have brought emissions-related
4 and other claims against Fiat Chrysler Automobiles N.V., FCA US LLC and others, the Parties
5 to this multidistrict litigation (“MDL”) have met and conferred and agree that counsel for the
6 *Pirnik* Plaintiffs may attend certain depositions of the FCA Defendants noticed in this MDL and
7 as agreed upon by the MDL Parties;

8 WHEREAS, the Parties enter this Stipulation and [Proposed] Order to ensure the
9 protection of any Protected Material, as defined in the Stipulated Protective Order known as
10 Pretrial Order 10 (“Protective Order”; ECF No. 212), that is used in or disclosed during any such
11 depositions, and to also ensure that the Parties to this MDL may use Protected Material at any
12 such depositions;

13 WHEREAS, nothing in this Stipulation itself entitles the *Pirnik* Plaintiffs to attend
14 depositions in this MDL or to receive or obtain Protected Material except such Protected
15 Material as may be used or disclosed at any such MDL depositions that the *Pirnik* Plaintiffs may
16 attend; and

17 WHEREAS, the *Pirnik* Plaintiffs have signed Exhibit A of the Protective Order
18 and agree to treat any such Protected Material in accordance with the terms of the Protective
19 Order.

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
21 among the Parties, and subject to the approval of the Court:

22 1. Notwithstanding anything to the contrary in the Protective Order, the
23 Parties to this MDL may use Protected Material at depositions attended by counsel for the *Pirnik*
24 Plaintiffs without requiring that counsel for the *Pirnik* Plaintiffs be excused.

25 2. For the limited purposes of facilitating the attendance of counsel for the
26 *Pirnik* Plaintiffs at certain MDL depositions, counsel for the *Pirnik* Plaintiffs shall be considered
27 persons to whom the MDL Parties may disclose Protected Material under Sections 7.2.1 and 7.3
28

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1 of the Protective Order (and *Pirnik* shall be treated as an “Action” under Section 2.1 of the
2 Protective Order) during their attendance at such a deposition, and shall be bound by the terms of
3 the Protective Order for all Protected Material used or disclosed at the MDL depositions they
4 attend.

5 3. Counsel for the *Pirnik* Plaintiffs shall be bound by the terms of Section I
6 (Protection of Privileges) of the Stipulated Non-Waiver of Privileges Order, known as Pretrial
7 Order 13 (ECF No. 246), for all Protected Material used or disclosed at the MDL depositions
8 they attend.

9 4. A Receiving Party, as defined in the Protective Order, shall not disclose
10 Protected Material to counsel for the *Pirnik* Plaintiffs except such material as may be required to
11 be used for the examination of a deponent during a deposition in which it is agreed or ordered
12 that counsel for the *Pirnik* Plaintiffs may attend. Counsel for the *Pirnik* Plaintiffs shall not rely
13 on this Order as the basis to argue in any court their entitlement to obtain or to use Protected
14 Material other than Protected Material that is shared with counsel for the *Pirnik* Plaintiffs in
15 accordance with this Paragraph. Counsel for the *Pirnik* Plaintiffs also shall not rely on this Order
16 as the basis to argue that they are entitled to attend depositions noticed in this MDL without the
17 agreement of the Parties to the MDL or a court order.

18 **SO STIPULATED.**

19
20 Dated: June 5, 2018

Respectfully submitted,

21 /s/ Elizabeth J. Cabraser

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26 *Plaintiffs' Lead Counsel and Chair of the*
27 *Plaintiffs' Steering Committee*
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1 Dated: June 5, 2018

Respectfully submitted,

2 /s/ Leigh P. Rendé

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10 *Government Coordinating Counsel*

11 Dated: June 5, 2018

Respectfully submitted,

12 /s/ Jeremy A. Lieberman

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21 *Co-Lead Counsel for Lead Pirnik Plaintiffs*

22 Dated: June 5, 2018

Respectfully submitted,

23 /s/ Robert J. Giuffra, Jr.

24 Robert J. Giuffra, Jr. (admitted *pro hac vice*)
25 William B. Monahan (admitted *pro hac vice*)
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*Attorneys for Defendants Fiat Chrysler
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VM North America, Inc.*

1 Dated: June 5, 2018

Respectfully submitted,

2 /s/ Matthew D. Slater

3 Matthew D. Slater

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9 *Counsel for Robert Bosch LLC and Robert
Bosch GmbH*

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[PROPOSED] ORDER
CONCERNING *PIRNIK* PLAINTIFFS

Based on the foregoing Stipulation, the Court GRANTS the Parties' Agreed Stipulation
Concerning *Pirnik* Plaintiffs.

IT IS SO ORDERED.

DATED: 6/7, 2018.

Edward M. Chen
United States District Judge

ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest the concurrence in the filing of this document has been obtained from the signatories.

DATED: June 5, 2018.

/s/ William B. Monahan
William B. Monahan

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 5, 2018, a true and correct copy of the foregoing was electronically filed and served electronically via the Court's CM/ECF system, which will automatically serve notice to all registered counsel of record.

/s/ William B. Monahan
William B. Monahan

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